

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

LEGAL ASSISTANCE

This new rule, in compliance with the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, provides that qualified legal assistance is available to RI Training School staff, promptly and continuously, as needed to develop policy and procedure in conformance with law, to provide advice on meeting statutory requirements in institutional operations and to provide representation in proceedings brought in state or federal court.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3685). Interested persons should submit data, views or written comments by April 5, 2010 Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Legal Assistance

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: RI Training School

Policy: 1200.0017

Effective Date:

Version: 1

The Department of Children, Youth and Families (DCYF) ensures that qualified legal assistance is available, promptly and continuously, as needed to develop policy and procedure in conformance with law, to provide advice on meeting statutory requirements in institutional operations, and to provide representation in proceedings brought in state or federal court.

Related Procedures

Legal Assistance

Related Policy

Requesting to Retain Outside Legal Counsel

Legal Assistance

Procedure from Policy 1200.0111: Legal Assistance

- A. Requests for legal assistance are sent to the Superintendent's Office. The Superintendent refers the matter to the DCYF Office of Legal Counsel if necessary.
- B. Whenever a law suit is filed against the Department or any Division employee is served, copies of the documents are immediately sent to the Superintendent.
 - 1. The Superintendent brings the matter to the attention of the Director and the DCYF Office of Legal Counsel.
 - 2. The DCYF Office of Legal Counsel refers the matter to the Office of the Attorney General for legal representation, as appropriate in accordance with RI General Law.
- C. Paragraphs A and B are consistent with American Correctional Association Standards 3-JDF-1A-32 and 3-JTS-1A-28.